



3-25,05

1645

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)**

PATENT

四

In re Application of:

Juan Saus

Serial No.: 10/008,721

Filed: December 7, 2001

**For: TNF-Inducible Promoters And Methods
For Using**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Art Unit: 1645

Examiner: Seharaseyon

Conf. No. 5105

TRANSMITTAL LETTER

Sir:

1. We are transmitting herewith the attached papers for the above-identified patent application:

Response to the Office Action mailed March 1, 2005 (1 sheet);
 Return Receipt Postcard

- ## 2. With respect to fees:

No fee is required.

3. Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

4. **CERTIFICATE OF MAILING BY “EXPRESS MAIL” UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as “Express Mail Post Office to Addressee” in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on this 24th day of March, 2005. Express Mail No. EV595492350US.

By:

David S. Harper
Registration No. 42,636



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

In re Application of:

Juan Saus)
Serial No.: 10/008,721) Art Unit: 1647
Filed: December 7, 2001) Examiner: Seharaseyon
For: TNF-Inducible Promoters And Methods) Conf. No. 5105
For Using)

BOX: AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-14501

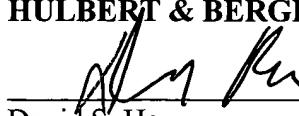
RESPONSE TO THE OFFICE ACTION MAILED MARCH 1, 2005

Sir:

In response to the Office Action mailed March 1, 2005, the Applicants herewith elect the invention of Group I, claims 1-13 and 16-19 drawn to claims for isolated nucleic acid sequences expression vectors, and recombinant host cells containing same, for further prosecution in the current application. The election is made with traverse, as the search required to pursue the remaining claim set extensively overlaps with the search required for Group I. The Applicants further elect SEQ ID NO:6 for prosecution in the case. This election is also made with traverse, as it imposes an undue burden on the Applicant, in requiring many different applications to be pursued for these closely related inventions.

If there are any questions about this matter, the patent office can contact the below-signed attorney at 312-913-0001.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF



David S. Harper
Reg. No. 42,636

3/24/05